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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,777	12/20/2000	Wesley E. McDonald JR.	TRAN:001	4964

7590 12/27/2001  
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EXAMINER

TRAN, DALENA

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 12/27/2001

#4

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/741,777	Applicant(s) MCDONALD ET AL.	
	Examiner DALENA TRAN	Art Unit 3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2000.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-20, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 7, 21-24 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### **Notice to Applicant(s)**

1. This application has been examined. Claims 1-27 are pending.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2-6, and 10-20, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Suarez et al. (6,212,393) in view of Nathanson et al. (5,122,959).

As per claims 1, and 10-11, Suarez et al. disclose a vehicle monitoring system that monitors the state of a plurality of vehicles, comprising: at least one mobile data unit generates automatic information includes position information and delivery state information, a wireless transmitter / receiver transmits the automatic status information from the mobile data unit to the deliver state database, and a dispatch monitoring for accessing the automatic status information and displaying the automatic status information (see columns 3-4, lines 54-56). Suarez et al. do not clearly mention a delivery state database. However, Nathanson et al. mention a delivery state database store the automatic status information generated by the mobile data unit , and dispatching monitoring includes data entry for entering messages transmitted to the mobile data unit via the wireless transmission device and the wireless transmitter / receiver (see columns 8-12,

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lines 7-2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Suarez et al. by mention a delivery state database store the automatic status information generated by the mobile data unit , and dispatching monitoring includes data entry for entering messages transmitted to the mobile data unit via the wireless transmission device and the wireless transmitter / receiver to provide more adequately track the location and movement of a variety of delivery vehicles.

As per claim 2, Suarez et al. disclose dispatch monitoring for accessing the automatic status information stored in the delivery state database and displaying the automatic status information to provide a visual indication of the identity, the position, and the delivery state of the delivery vehicle (see the abstract; and columns 2-3, lines 67-33).

As per claim 3, Nathanson et al. mention display in the form of an icon, and display condition of the icon is varied in accordance with a delivery state defined by the delivery state information (see the abstract; and columns 27-29, lines 43-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Suarez et al. by mention display in the form of an icon, and display condition of the icon is varied in accordance with a delivery state defined by the delivery state information to provide a graphical presentation of vehicle operation and dispatchers deliveries system.

Also as per claim 4, Nathanson et al. mention the display condition includes one of the shape, color, size, contrast or display status of the icon (see columns 3-4, lines 50-38).

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As per claim 5, Suarez et al. disclose the mobile data unit includes a controller, GPS receiver, vehicle condition sensor, and the controller generates the automatic status information based on signals received from the GPS receiver and the condition sensor (see columns 7-8, lines 53-14).

As per claim 6, Suarez et al. disclose the controller determines the delivery state information based on the signal received from the vehicle condition sensor (see column 8, lines 13-51).

As per claims 8 and 9, Suarez et al. disclose the delivery state information includes a plurality of delivery states that define a delivery cycle, and controller determines whether a current delivery state is valid based on whether a prerequisite deliver state within the delivery cycle has occurred (see columns 8-9, lines 52-45).

As per claim 12, Suarez et al. disclose the mobile data unit includes a display unit that displays the message transmitted to the mobile data unit from the dispatch monitoring (see columns 4-5, lines 57-35).

As per claims 13 and 14, Suarez et al. disclose the mobile data unit includes data entry for entering messages transmitted to the dispatch monitoring via the wireless transmitter / receiver and the wireless transmission device, and the message transmitted to the dispatch monitoring from the mobile data unit and to the mobile data unit from the dispatch monitoring are transmitted in the form of cellular digital packet data (see columns 9-10, lines 63-18).

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As per claim 15, Suarez et al. disclose the automatic status information is automatically transmitted to the delivery status database when a change in deliver state information occurs (see column 7, lines 19-52).

As per claim 16, Suarez et al. disclose hot zone data corresponding to geographic zone around one of a loading terminal and a delivery site is supplied to the mobile data unit, and wherein the controller determines the delivery state information based on the hot zone data (see column 5, lines 36-54).

As per claims 17 and 18, Suarez et al. disclose the controller alters the hot zone data to expand the geographic zone (see columns 5-6, lines 55-31).

As per claim 19, Suarez et al. disclose the controller disables position detection when the delivery vehicle enters a geographic zone defined by the hot zone data to avoid problems associated with jitter (see columns 9-11, lines 46-20).

As per claim 20, Suarez et al. disclose the controller alters the hot zone data to relocate the geographic zone when the delivery state information is indicative of a change in location of a delivery site (see column 6, lines 32-63).

4. Claims 25-26, as understood by examiner, are rejected under 35 U.S.C.103(a) as being unpatentable over Nathanson et al. (5,122,959) in view of Wood, Jr. et al. (6,144,916).

As per claim 25, Nathanson et al. disclose a method of providing automatic status information for a plurality of delivery vehicles, comprising: determining delivery state information corresponding to each of the delivery vehicles using vehicle condition sensor (see columns 14-15,

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lines 58-9). Wood, Jr. et al. mention determining position information corresponding to each of the delivery vehicles using a GPS data (see column 2, lines 16-54; and columns 3-4, lines 26-36), and transmitting the position information and delivery state information to a delivery state database via a wireless transmission network (see column 2, lines 55-67; and columns 4-5, lines 37-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teach of Nathanson et al. by mention determining position information corresponding to each of the delivery vehicles using a GPS data , and transmitting the position information and delivery state information to a delivery state database via a wireless transmission network to monitor the position and status of the delivery vehicles.

As per claim 26, Nathanson et al. disclose defining a plurality of delivery states corresponding to a delivery cycle, the delivery state information comprises the deliver states, and wherein the validity of a current delivery state is determined based on whether a prerequisite deliver state has occurred (see columns 17-18, lines 48-5).

5. Claims 7,21-24, and 27, objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

. Otten (5,511,233)

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- . Segal et al. (6,124,810)
- . Goode et al. (6,286,987)
- . Maggenti (6,301,263)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Dalena Tran, whose telephone number is (703) 308-8223. The examiner can normally be reached on Monday-Friday from 7:00 AM-4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski, can be reached on (703) 308-3873.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

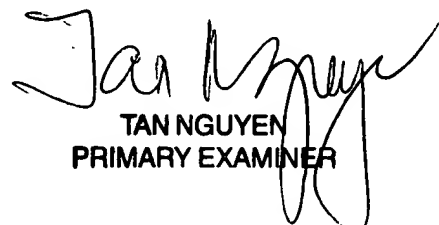
(703) 305-7687, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451 Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

/dt

December 18, 2001

  
TAN NGUYEN  
PRIMARY EXAMINER